

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

AMANDA VALENZUELA,
Plaintiff,

v.

THE UNIVERSITY OF TEXAS
AT AUSTIN

Defendant.

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Civil Action No. 1:19-cv-01202-RP

**DEFENDANT’S UNOPPOSED MOTION TO EXTEND TIME TO FILE A
RESPONSIVE PLEADING TO PLAINTIFF’S FIRST AMENDED COMPLAINT**

TO THE HONORABLE JUDGE ROBERT PITMAN:

NOW COMES Defendant, The University of Texas at Austin (“UTAustin” or “UTAustin”), and hereby files this Unopposed Motion to Extend Time to File a Responsive Pleading to Plaintiff’s First Amended Complaint, and respectfully requests a two-week extension of its deadline to answer or otherwise respond under Federal Rule of Civil Procedure 12. In support, UTAustin would show the Court as follows:

I. BACKGROUND/PROCEDURAL HISTORY

Plaintiff, Amanda Valenzuela, filed her Original Complaint on December 11, 2019. **Dkt.**

1. On March 6, 2020, UTAustin filed an Unopposed Motion for More Definite Statement and/or Opposed Motion to Require Plaintiff to Use her True Name. **Dkt. 4.** Plaintiff filed a response to the motion on March 23, 2020. **Dkt. 5.** On March 24, 2020, the Court issued an Order granting UTAustin’s Unopposed Motion for More Definite Statement and Opposed Motion to Require Plaintiff to Use her True Name. **Dkt. 6.** The Court further ordered Plaintiff to file a more definite statement on or before April 7, 2020, and to file an advisory with the Court providing her name on

or before March 31, 2020. **Dkt. 6.** Plaintiff filed an advisory with the Court providing her name on March 26, 2020. **Dkt. 7.** On April 7, 2020, Plaintiff filed an unopposed motion for extension of deadline to file a more definite statement to April 21, 2020. **Dkt. 8.** The Court granted the extension on April 8, 2020. **Dkt. 9.** On April 20, 2020, Plaintiff filed a second unopposed motion for extension of deadline to file a more definite statement to April 28, 2020. **Dkt. 10.** The Court granted the extension on April 22, 2020. On April 28, 2020, Plaintiff filed her First Amended Petition. **Dkt. 12.**

Under Federal Rule of Civil Procedure 15(a)(3), a response to an amended pleading is due fourteen days after service. Based on the date the First Amended Complaint was entered into the record, UTAustin's deadline to respond to Plaintiff's First Amended Complaint is May 12, 2020.

II. UNOPPOSED MOTION FOR EXTENSION OF TIME

UTAustin is requesting a 2-week extension of time until May 26, 2020, in which to file its Answer or otherwise respond under Rule 12.

The First Amended Complaint raises multiple new claims in paragraphs 27-41 and UTAustin will require additional time to evaluate the factual allegations, legal claims, and possible defenses. Additionally, UTAustin's initial review of the First Amended Complaint reveals that some of Plaintiff's asserted claims may be disposed by a motion filed under Federal Rule of Civil Procedure 12(b). The undersigned counsel requires additional time to evaluate Plaintiff's claims and to adequately prepare such a brief and motion, if appropriate, or to prepare a point-by-point Answer.

Counsel for UTAustin conferred with counsel for Plaintiff before filing this motion. Plaintiff has represented that he is not opposed to UTAustin's requested extension. This proposed extension is not brought for purpose of delay, but so that the issues can be better briefed.

III. PRAYER

For these reasons, Defendant UTAustin respectfully requests that the Court extend its deadline to answer or otherwise respond under Rule 12 to May 26, 2020, and for such other relief to which it is justly entitled.

Date: May 8, 2020

Respectfully submitted,

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Attorney General of Texas

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**ATTORNEYS FOR DEFENDANT THE
UNIVERSITY OF TEXAS AT AUSTIN**

CERTIFICATE OF CONFERENCE

I hereby certify that on the 7th day of May, 2020, the undersigned counsel contacted Plaintiff's counsel, Terry Gorman, via email to discuss the contents of this motion and Mr. Gorman indicated that he is unopposed to the motion for extension.

/s/ Summer R. Lee
SUMMER R. LEE
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served through CM/ECF filing, on this the **8th day of May, 2020**, upon the following individuals:

Terry P. Gorman, Esq.
Gorman Law Firm, PLLC
tgorman@school-law.co
Attorney for Plaintiffs

/s/ Summer R. Lee
SUMMER R. LEE
Assistant Attorney General